

A regular meeting of the Marilla Town Board was held December 8, 2005 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

1. Notification from Willey Enterprises of WNY, LTD for renewing their liquor license.
2. Allied Sportsmen of WNY renewing their 2006 range license and extended shooting hours.

Committee Reports

Highway Superintendent Dave Pierce reported that last month they received \$1,471 for recycled glass.

Councilman Spanitz reported that EMW wanted to thank the Town of Marilla for the support we have given them, they have an after school program going at the School and the enrollment is growing. They appreciate any donations that people would like to give.

Councilman Handley reported that he attended the ceremony for the Eagle Scout Code of Honor with Councilman Gertz. The two Eagle Scouts being honored were; Brian Thompson and Robert Waver III and he congratulated them. Troop 290 now has 13 boys that have reached Eagle Honors which is an impressive amount for a troop. He also reported that Saturday was the Kiwanis tree lighting ceremony and he wanted to thank all the youth groups that made this a big success. He also thanked the Kiwanians that gave their time for the benefit of the residents in the community. A great time was had by all and it was nice to see the smiles on all the children's faces. A special thanks to the Marilla Firemen who did traffic control and thanks to Earl Dabb, Charlie Finch and Joyce and Warren Cullen for running the hayrides and to all the other helpers and donors that made the project possible. He also gave a special thanks to Sally Kutter who without her we could not have done the project. He also attended an awards dinner with the 4-H group the lads and lassies on Sunday. The lads and lassies would like to use the Pavilion every summer for their fashion show. He feels the community groups are growing instead of getting smaller which is a good sign that somebody is doing something right. He stated that the CAB meeting was Tuesday night and they are looking into alternative agencies or groups to help provide funding for protection and conservation of land in town, their next meeting will be held on January 3, 2006. By the end of December the town is hoping to close on three parcels of land for the PACE project a total of about 325 acres.

Supervisor Foss reported that because we receive our sales tax once every three months it is more difficult to predict what shape our accounts are in but it appears we are in about the same financial position as last year, the general fund will end up a higher level than last year. We have a new restaurant opening in town which use to be the Clommel and is reopening under new ownership as Kodiak Jacks. They have redone the entire building, and it really looks nice inside. They will feature dinners and family eating areas separated from the bar. They plan on opening December 21st and they will be open on Saturdays and Sundays from noon on. We welcome them and wish them success and ask residents to support them.

Open Board Presentations From the Public

Resident and Planning Board Member Judy Gillman from Shearing Drive wanted to thank Highway Superintendent Dave Pierce and the Highway men for opening the ditch area on her street and fixing the water problem.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearings and Regular Meetings held on 11/10/05. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize the Town Clerk to publish extended shooting hours for the year 2006 for Allied Sportsmen of WNY. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Cynthia Jondle as Justice Court Clerk and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to appoint Kim Parker as Bookkeeper to the Supervisor and pay according to the adopted clerk's pay scale.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town of Marilla has requested that the Marilla Free Library remain open and continue to provide cultural and recreational programs for the Town of Marilla for the year 2006; and

WHEREAS, the Marilla Free Library has agreed to remain open and to continue to provide such cultural and recreational programs for the Town of Marilla for the year 2006; and

WHEREAS, the parties have negotiated and agreed that the amount required to allow the Marilla Free Library to remain open and provide such services for the year 2006 is \$18,000, which amount has been provided for in the adopted budget of the Town of Marilla for the year 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

1. That the Town Board does agree to provide the Marilla Free Library with funding in the amount of \$18,000 for the year 2006 in return for the Marilla Free Library remaining open and providing cultural and recreational services to the Town of Marilla, including, but not limited to providing free library services, conducting reading workshops for youth, facilitating cultural development, promoting literary arts and providing public meeting rooms for other cultural and educational organizations.
2. That the Supervisor is hereby authorized to execute a Contract between the Town of Marilla and the Marilla Free Library, in form as presented at this meeting.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at regular meeting of the Town Board of the Town of Marilla on December 8, 2005, the results of which were as follows:

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize the Supervisor to prepay Lush Lawn to receive an 8% discount. The total cost for the soccer fields on Eastwood Road is \$522.26 and the cost for the Town Hall is \$50.10. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the following resolution:

WHEREAS, the Town of Marilla was the owner of a paper street running off of Sunrise Lane in the Town of Marilla pursuant to Warranty Deed dated December 28, 1973 and recorded in the Erie County Clerk's Office in Liber 8126 of Deeds at Page 133 but it appears such paper street was conveyed to Kenneth R. Palmer following in rem proceedings by the County of Erie and the Estate of Kenneth R. Palmer is currently the owner of certain parcels of land conveyed to it by deeds recorded in the Erie County Clerk's Office in Liber 10872 of Deeds at Page 1542 for purposes of road construction by a developer; and

WHEREAS, due to subsequent development such parcels can no longer be developed as a Town Highway as they have been blocked by such subsequent development and no longer can be connected to other highways; and

WHEREAS, such parcels are no longer of any benefit to the Town.

WHEREAS, representatives of the Estate of Kenneth R. Palmer have negotiated the sale of the former paper street to the two adjacent property owners but they have requested that the Town of Marilla also join in with the conveyance due to the potential title problem that exists with the in rem sale of a Town Highway.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the above mentioned parcels are no longer needed for Town purposes and are surplus property.
2. That The Town Board does hereby authorize the sale of such property to the Richard J. Woody and Barbara M. Woody, his wife, and to Robert T. Cimini and Jennifer N. Seth-Cimini, his wife, the owners of the properties abutting the property being sold who will each be acquiring on half of the property being sold from the Estate of Kenneth R. Palmer, with all costs of the Transaction being borne by the Estate of Kenneth R. Palmer and the purchaser and at no cost to the Town of Marilla.
3. This resolution shall be subject to permissive referendum.
4. The Town Clerk is directed to publish a copy of this resolution in the official newspapers of the Town of Marilla and post a copy on the Official Sign Board of the Town within 10 days of the adoption of this resolution.

The above resolution was duly put to a roll call vote the results of which were as follows:

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Supervisor Foss also stated that the January Organizational Meeting will be held on January 5th at 7:30 p.m.

There will be a Special Meeting Tuesday December 13th, 2005 at 10:00 am in the Marilla Town Hall for the purpose of going into Executive Session to discuss PACE negotiations.

The Holiday Schedule for the Town Hall will be as follows; Closed – Monday, December 26th and Monday, January 2nd.

Tuesday, December 20th the Town Hall Hours will be from 9:00 am to 7:00 pm. The Town Hall will close at 7:00 pm for an employees Christmas Party.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize NCI to apply for a share in municipal services grant for Water District V. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to authorize the Town Clerk to advertise for bids on drainage work for the Porterville Road and Winchester Road area. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that they have received the drawings and Engineers report from Bennington for their proposed water district that will hook on to our Water District IV. We are in the process of looking at these drawings to make sure this has no adverse effect on Marilla's system. We should respond back to them sometime next week.

Building Inspector John Fronczek submitted a written report with 6 building applications received totaling fees of \$ 1,081.00, building permits issued with a value of \$301,700.00, 15 inspections were made, and 1 complaint was acted on. Two zoning applications were received for a total of \$250. A total of 150 acts of official business were made for the month of October. John Fronczek attended a seminar sponsored by the sheet metal and air conditioning industry. Scott Rider has completed inspections of in-ground pool installations for fences for the current year.

Town Attorney Nathan Neill reported that he is currently working on the agreement with Bennington for the water district, he has sent copies to Mike Smith and John and will send the final draft to their Council.

The Planning Board minutes have been received and posted, they will be meeting next Thursday at 7:00 pm.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative George Gertz stated that residents should keep their fire hydrants open and clear and keep their wood burning stoves clean.

Hubert Kutter reported that the Historical Society still has done a wonderful job decorating for Christmas. The exhibit in the museum is "Santa in America" They will be open : December 12th 7-9 pm, Tuesday- December 13th 7-9 pm, Sunday December 18th 2-4 and Tuesday, December 20th 7-9 pm.

Open Board Presentations

Library Board Member Marty Mummery wanted to thank John Foss and the Town Board for keeping our Library open 35 hours a week. The Residents can continue to help us by coming in and taking out books.

Councilman Handley thanked Sandy Kepner for her Brownie Troop decorating the Community Center.

Councilman Spanitz commented that our Library staff is not wasteful at all, they know how to be thrifty and are a full service library.

Supervisor Foss wanted to take the time to let the public know how dedicated an employee Carla Miley was. She donated her time for the Sesqui Centennial, the Car Show, and she ran a bottle and can drive to donate all the proceeds to prizes for the Sesqui celebration. Since her hire date of 11/4/99 she became one of the most efficient and valued bookkeepers he has ever worked with. Unfortunately Carla developed lung cancer last winter and in June she had a lung removed. She is doing well but will not be able to return to work. He thanked Laura Nuttle from the Town Clerk’s Office and Kim Parker from the Justice Court for filling in during Carla’s absence. She was a good employee and will be greatly missed.

All claims have been previously reviewed by Councilman Gertz and Councilman Handley.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 548-607	\$	23,246.75
Highway Fund Claims, Vouchers 197-210	\$	10,909.12
Special Districts		
Sanitation (SR), Vouchers 113-130	\$	16,525.59
Special Fire, Voucher	\$.00
Water District #2, Vouchers 27-30	\$	7,669.90
Water District #3, Vouchers 16-17	\$	2,706.80
Water District #4, Voucher 12-13	\$	1,634.80
Community Development PACE Vchr 11	\$	4,687.50
Community Develp. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully Submitted,
____ Town Clerk _____ Supervisor
____ Councilman _____ Councilman
____ Councilman _____ Councilman